

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAMMAMISH HOMEOWNERS, THOMAS
E. HORNISH AND SUZANNE J. HORNISH
JOINT LIVING TRUST, TRACY AND
BARBARA NEIGHBORS, ARUL MENEZES
AND LUCRETIA VANDERWENDE,
HEBERT MOORE AND ELYNNE MOORE,
AND REID AND TERESA BROWN

Plaintiffs,

vs.

KING COUNTY, a home rule charter county,

Defendants.

SECOND MOTION FOR EXTENSION OF
TIME TO FILE AMENDED COMPLAINT

NOTE ON CALENDAR:
July 31, 2015

COME NOW Plaintiffs Sammamish Homeowners, Thomas E. Hornish and Suzanne J. Hornish Joint Living Trust, Tracy and Barbara Neighbors, Arul Menezes and Lucretia Vanderwende, Herbert and Elynne Moore, and Reid and Teresa Brown, pursuant to this Court's Order dated June 5, 2015 (D.E. 19), and move for an additional 30 day extension to file their Amended Complaint to comply with this Court's directive for Plaintiffs to file a second amended complaint which addresses the findings in the Court's Order to prove standing to bring their causes of action.

In support of this motion, Plaintiffs state that they have requested thorough chains of title

1 but, since the chains must go back over 100 years, the title company has not yet completed the
 2 task. See Declaration of Elizabeth G. McCulley, attached hereto as Exhibit A. Plaintiffs hired
 3 Chicago Title weeks ago to compile the chains of title, and Chicago Title requested documents
 4 weeks ago but, because documents are from the 1800s and early 1900s, they are not online, and
 5 have to be retrieved and requested from the King County Recorder of Deeds, they have not yet
 6 been received.

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 8 Additionally, Plaintiffs have retained an expert witness who will to testify regarding the
 9 chains of title. The expert will express the opinion that Plaintiffs own the fee in the right-of-way
 10 under Washington law because no grantor in the chain of title expressly reserved unto themselves
 11 the former railroad right-of-way, such that under Washington law, each grantor's intent controls
 12 and each grantor is presumed to convey all that they own unless expressly stating otherwise.
 13 Plaintiffs' expert will need some time to review the chain of title documents once the title
 14 company finishes its work. The expert's opinion will also respond to the issues raised by the
 15 Court relating to the title conclusion that the words "reserve" a right-of-way does not amount to
 16 a reservation unto the grantor intending to expressly reserve the right-of-way unto themselves,
 17 but rather, only intending to merely note that the land is encumbered with an easement.

18
 19 Respectfully submitted,

20 Date: July 17, 2015

21 STEWART, WALD & McCULLEY

22 By /s/ Thomas S. Stewart

23 Thomas S. Stewart
 24 Elizabeth McCulley
 25 Michael J. Smith
 9200 Ward Parkway, Suite 550
 Kansas City, MO 64114
 Telephone: (816) 303-1500
 Facsimile: (816) 527-8068

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AND

RODGERS DEUTSCH & TURNER, P.L.L.C.
Daryl A. Deutsch, WSBA No. 11003
Rodgers Deutsch & Turner, P.L.L.C.
3 Lake Bellevue Dr. Suite 100
Bellevue, WA 98005
Telephone (425) 455-1110
Facsimile (425) 455-1626
daryl@rdtlaw.com
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of July 2015, the foregoing was filed electronically with the Clerk of the Court to be served by the operation of the Court's electronic filing system upon all parties of record.

Andrew W Marcuse
David J. Hackett
King County Prosecuting Attorney, Civil Division
500 4th Avenue, Suite 900
Seattle, WA 98104-5039
andrew.marcuse@kingcounty.gov
david.hackett@kingcounty.gov
Attorneys for Defendant King County

/s/ Thomas S. Stewart